

Congress of the United States
House of Representatives
Washington, DC 20515

August 28, 2023

The Honorable Merrick Garland
Attorney General
United States Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Dear Attorney General Garland,

Last week, while much of America was fixated on the unlawful election interference in Fulton County, Georgia, your Civil Rights Division (CRD)—the lead election-law component at the Department of Justice (DOJ)—had other, apparently more important business to do. CRD filed a lawsuit against Space Exploration Technologies Corp., otherwise known as “SpaceX,” for *complying with federal law* and, specifically, because of this conduct: “SpaceX hired only U.S. citizens and lawful permanent residents, from September 2018 to September 2020.”¹

The vast majority of Americans would see Elon Musk as a patriot seeking to pay higher wages and protect sensitive defense-contracting work from foreign theft. And, in fact, you cite his company’s statements not as *exonerating* but rather as “facially discriminatory public statements.” Here is one tweet by Mr. Musk you cite in your complaint as “facially discriminatory”:

US law requires at least a green card to be hired at SpaceX, as rockets are considered advanced weapons technology

7:24 PM • Jun 16, 2020 • Twitter for iPhone

84 Retweets 16 Quote Tweets 1,536 Likes

As you surely know, 8 U.S.C. § 1324b exempts “discrimination because of citizenship status which is otherwise required in order to comply with law, regulation, or executive order, or required by Federal, State, or local government contract, or which the Attorney General determines to be essential for an employer to do business with an agency or department of the Federal, State, or local government.”

Authoritatively, you note in paragraph 61 of your complaint that “No law; regulation; executive order; provision of Federal, State or local government contract; or Attorney General determination justifies SpaceX’s pattern or practice of hiring discrimination against asylees and refugees.”² Thus, rather than proving in a court of law that SpaceX’s and Mr. Musk’s statements about their legal obligations were pretextual (i.e., that they had no reasonable belief that federal law required their practice) you appear poised to take *mens rea* entirely out of this equation.

¹ [Justice Department Sues SpaceX for Discriminating Against Asylees and Refugees in Hiring](#)

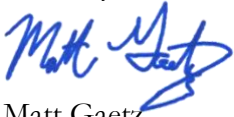
² [Complaint](#)

In order for the House Committee on the Judiciary, of which I am a member, to conduct oversight of this matter, please provide my office with the following by September 8, 2023:

- (1) An exhaustive list of all laws, regulations, executive orders, and contracts that DOJ has reviewed in connection with this case.
- (2) A sworn statement of the Attorney General that no state; federal; or local law, regulation, or contract prohibits producers of sensitive, military-grade dual-use technology from hiring asylees or refugees.

Please also make yourself available to brief interested Members of Congress on this issue prior to your testimony on September 20, 2023.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matt Gaetz", with a stylized flourish at the end.

Matt Gaetz
Member of Congress